

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE SEPTEMBER 26, 2013  
SPECIAL MEETING**

**Members Present:**

Gary Stone, Chairman  
Louis Levine, Member  
Bradford Spaulding, Alternate Member

**Members Not Present:**

Peter Conetta, Member  
Stephen Wayne, Alternate Member

**Staff Present:**

Richard H. Talamelli, Environmental Planner  
Pam Fausty, Environmental Analyst

The Special Meeting, which was called to order by Chairman Stone at 7:30 PM, was held in the Planning Board Conference Area, 7<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was recorded.

**MINUTES**

**Minutes of the August 15, 2013 Regular Meeting of the Environmental Protection Board:**

The Board considered the minutes of the EPB's August 15, 2013 Regular Meeting. Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the August 15, 2013 Regular Meeting as presented.

In Favor: Stone, Levine, and Spaulding.  
Opposed: None  
Abstaining: None  
Not Voting: None

**APPLICATIONS AND PERMITS**

**#1311 – 8 Saddle Hill Lane – Lot 1A – A. Rapaport:** To construct a detached garage with covered walkway and relocate a propane tank proximate to wetlands and ponds on property situated within the non-drinking water supply watershed of Haviland Brook. The site lies along the west side of Saddle Hill Lane, just north of Saddle Hill Road, and is identified as Lot 1A, List 000-5140, Zone RA-1, Block 401, ±1.290 Acres. Reference is made to an EPB Staff Memo, dated September 24, 2013.

**In Attendance:** None

**Discussion:** Staff Member Talamelli reported that the applicant recently supplied a letter

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requesting that EPB Permit Application No. 1311 be withdrawn from further consideration.

**Motion/Vote:** None

**#1317 – 101 Maltbie Avenue – Lot C – J. Rosell:** Construction of first and second floor residential additions, implement certain renovations, remove an in-ground fuel storage tank, and install other related improvements in and/or proximate to wetlands, watercourses and designated flood hazard areas situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the south side of Maltbie Avenue, approximately 1300 feet east of Long Ridge Road, and is designated as Lot C, List 000-2851, Card S-010, Block 359, Zone R-20, and 1.012± Acres. Reference is made to an EPB Staff Memo, dated September 16, 2013.

**In Attendance:** None

**Discussion:** Staff Member Talamelli reported that the Board received written correspondence from the owner's agent granting the Board an extension of the statutory decision deadline for a period of sixty-five (65) day to allow for the development of necessary information.

**Motion/Vote:** None

**#1318 – 133 Thornwood Road – Lot 60 – E. and E. Klosz:** Installation of an emergency generator and propane tanks in and/or proximate to wetlands, watercourses and known flood hazard areas situated in the drinking water supply watershed of the Rippowam River. The property lies along the east side of Thornwood Road, approximately 625 feet south of Bittersweet Lane, and is designated as Lot 60, List 000-9721, Card E-012, Block 190, Zone RA-1 and 1.255± Acres. Reference is made to an EPB Staff Memo, dated September 16, 2013.

**In Attendance:** None

**Discussion:** Staff Member Talamelli reported that the Board received written correspondence from the owner's agent granting the Board an extension of the statutory decision deadline for a period of sixty-five (65) day to allow for the development of necessary information.

**Motion/Vote:** None

**#1319 – 97 Erickson Drive – Lot 5 – J. DiBuono:** Construction of a deck and other related features proximate to wetlands, watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the north side of Erickson Drive, approximately 1200 feet west of Hunting Ridge Road, and is designated as Lot 5, List 002-2466, Card N-11Z, Block 393, Zone RA-1, and 1.1489± Acres. Reference is made to an EPB Agenda Summary Report, dated September 18, 2013.

**In Attendance:** None

**Discussion:** Staff Member Fausty described the application for the Board. The property currently supports a single family dwelling, drive, septic, well, and other related facilities, and is characterized by the presence of a small open water pond, and wetlands in the northern and western portions of the site. Ms. Fausty noted that development of the property had been the subject of a prior EPB permit application in 2006 to allow construction of a replacement septic system.

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Conditions of the prior approval included requirements for a landscape plan to stabilize the soils and enhance the overall conservation values of the parcel, and a standard landscape maintenance agreement to ensure the success of the newly planted features. Although the physical components of the project had been successfully completed, a review of the file confirmed that the required maintenance agreement remained outstanding. Under this application, the applicant seeks the Board's permission to construct a wood deck proximate to the pond and wetlands, encumbering approximately 80 square feet of the established upland review area. She noted that the affected space is currently maintained as planting bed or manicured lawn. Potential impacts resulting from poor construction practice and/or erosion/sedimentation have been mitigated with the submission of a detailed sediment and erosion control plan, the submission of a planting/enhancement plan, and the applicant's commitment to provide a landscape maintenance agreement expanded to cover not only the currently proposed landscape features, but those installed under the prior permit application. Ms. Fausty reported that the previously installed plantings have been reasonably maintained.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1319 with the conditions outlined in the EPB Staff Agenda Summary Report, dated September 18, 2013.

In Favor: Stone, Levine, and Spaulding.

Opposed: None

Abstaining: None

Not Voting: None

**#1320 – 82 Westover Avenue – Lot 1 – K. Faulkner:** To maintain an existing propane tank, and install both an emergency generator and two (2) new propane tanks within wetlands on property situated within the drinking water supply watershed of the Mianus River. The subject property lies along the south side of Westover Avenue, approximately 900 feet west of Westover Road and is identified as Lot 1, List 001-3350, Card S-006, Zone RA-1, Block 366, and 1.2788 Acres. Reference is made to EPB Agenda Summary Report, dated September 19, 2013.

**In Attendance:** None

**Discussion:** Staff Member Fausty described the application for the Board. The property currently supports a single family dwelling, drive, septic, well, and other related facilities, and is characterized by a large wooded wetland and extensive open space/conservation easement areas. Ms. Fausty noted that development of the parcel was the subject of a prior EPB Permit in 2000 and a permit modification in 2002. The applicant proposes to maintain an existing above ground propane tank, and to install both an emergency generator, and two (2) new above ground propane tanks on the parcel. The facilities are proposed for space, defined as wetlands, but clearly within the landscape envelope approved by the Board under the prior approvals. Approximately 100 square feet of wetlands shall be impacted by the project. Ms. Fausty confirmed that little or no land disturbance is expected, and no additional control measures or mitigation activities appear warranted.

**Motion/Vote:** Upon a motion by Board Member Spaulding, the Board voted to **APPROVE** EPB Permit Application No. 1320 with the conditions outlined in the EPB Staff Agenda Summary Report, dated September 19, 2013.

In Favor: Stone, Levine, and Spaulding.

Opposed: None

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Abstaining: None

Not Voting: None

**#1324 – 50 Westover Avenue – Plot B – J. Baker and T. Baker:** Construction of an in-ground pool, patio, equipment, fence, and other related facilities in and/or proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Westover Avenue, approximately 650 feet west of Westover Road, and is designated as Plot B, List 000-7140, Card S-003, Block 366, Zone RA-1 and 1.02± Acres.

**#1325 – 247 Chestnut Hill Road – Lots 3A/5 – K. Hoyt-Topalian:** Construction of garage, kitchen and dining room additions within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the north side of Chestnut Hill Road, approximately 425 feet east of West Haviland Lane, and is designated as Lots 3A and 5, List 002-3930, Card N-012, Block 392, Zone RA-1 and ±0.88 Acres.

**#1326 – 13 Paragon Lane – Lot 1 – Paragon Associate Realty, LLC:** Substantially improve a single family dwelling, construct a parking space, and implement other related activities within the base floodplain of the Rippowam River. The property lies along the south side of Paragon Lane, approximately 130 feet east of Washington Boulevard, and is designated as Lot 1, List 002-5563, Card S-002, Block 244, Zone R-6 and ±0.212 Acres.

**#1327 – 9 West Broad Street – Lot A – W. Hennessey, Esq. for Nine West Broad Property, LLC:** Renovation of portions of an existing commercial office building, replacement of an existing driveway ramp, and implementation of other related site improvements within close proximity to wetlands and watercourses, and within the base floodplain of the Rippowam River. The property lies along the north side of West Broad Street, approximately 525 feet west of Washington Boulevard, and is designated as Lot A, List 002-3729, Card N-002, Block 264, Zone C-L and ±2.55 Acres.

**#1328 – 51 Overbrook Drive – Parcel A-1 – 111 Overbrook Drive, LLC:** Construction of new single family dwelling, drive, drainage, walls, sanitary sewer, and other related facilities in and/or proximate to wetlands and a designated Open Space Preserve/Conservation Area situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the east side of Overbrook Drive, approximately 700 feet north of Toms Road, and is designated as Parcel A-1, List 004-4303, Block 328, Zone R-20, and 0.6066± Acres.

Reference is made to an EPB Staff Memos, dated September 13, 2013, September 16, 2013, and September 23, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1324, 1325, 1326, 1327 and 1328.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1324, 1325, 1326, 1327 and 1328.

In Favor: Stone, Levine, and Spaulding.

Opposed: None

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Abstaining: None

Not Voting: None

### SITE PLAN REVIEWS:

### SUBDIVISION REVIEWS:

### ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

**481 Old Long Ridge Road – Lot 61A – T. Blackstone:** Show Cause Hearing to consider testimony pertinent to certain regulated activities conducted in regulated areas without the prior written authority of the EPB in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford.” These activities included the deposition of fill, excavation, grading, driveway construction, alteration of vegetation, and other associated disturbances in and/or proximate to wetlands and watercourses situated within the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Old Long Ridge Road, approximately 525 feet south of Rock Rimmon Road, and is identified as Lot 61A, List 001-0073, Card E-047, Map 14, Block 402, Zone RA-2, and ±2.54 Acres. Reference is made to an EPB Staff Agenda Summary Report, dated September 19, 2013.

**In Attendance:** None

**Discussion:** Staff Member Fausty described the violation for the Board. She noted that EPB Staff, in response to several public inquiries, confirmed that wetlands, watercourses and upland review areas on the property had been impacted by certain vegetation altering, filling and grading activities. Because this work had been conducted in regulated areas without a prior permit, it was determined that the work was in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford. Although initial interactions with the property owner resulted in the installation of a basic set of erosion controls and the reflagging of wetlands, the lack of meaningful progress to fully resolve the violation over the course of several months led to the issuance of a cease and desist order and the scheduling of this show cause hearing. Given the circumstances of the violation, Staff recommended that the Board consider maintaining the cease and desist order in effect and modify it to require the installation of effective erosion controls, the removal of all fill, and the submission of a professionally developed restoration plan on or before October 10, 2013. The plan shall include provisions for the completion of all Staff approved restoration work by November 15, 2013.

Extensive discussion ensued between Board Members concerning the violation and necessity of authorizing Staff to pursue further action, including the posting of a notice of violation on the Stamford Land, Records, publishing a notice of facts and conduct and/or moving to refer the matter to the Law Department for enforcement of the Regulations, if the requirements of the modified order were not strictly adhered to. It was determined that the Board would evaluate the owner's efforts to remedy the violation at the October 2013 meeting before authorizing the Staff to pursue an additional enforcement action.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **MAINTAIN** the Cease and Desist Order **IN EFFECT** and to **MODIFY** the order to require the installation of

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effective erosion controls, the removal of all fill, and the submission of a restoration plan developed by a qualified professional on or before October 10, 2013. The plan shall include provisions for the completion of all Staff approved restoration work by November 15, 2013.

In Favor: Stone, Levine, and Spaulding.  
Opposed: None  
Abstaining: None  
Not Voting: None

#### **OTHER BUSINESS:**

**#2218 - Wallenberg Drive - Lot 34, - Wallenberg, LLC (J. Issacs):** Request to extend the effective period of EPB Permit No. 2218 for a period of one (1) year. The permit allows for the construction of a new single family dwelling with associated septic system, site grading and drainage in and proximate to wetlands, watercourses, and designated conservation/open space areas on property situated within the drinking water supply watershed of the Bargh Reservoir (Mianus River). The property lies along the east side of Wallenberg Drive, approximately 150 feet south of South Lake Drive, and is identified as Lot 34, List 003-7997, Card E-003, Block 400, Zone RA-3, 2.04 acres. Reference is made to an EPB Memo, dated September 13, 2013.

**In Attendance:** Jacqueline O. Kaufman, Esq.

**Discussion:** Staff Member Talamelli acknowledged to the receipt of correspondence from Jacqueline O. Kaufman, Esq., Sandak, Hennessey and Greco, LLP requesting the extension of permit. Mr. Talamelli noted that following a review of the file and inspection, that it was determined that the request has been submitted in accordance with Section 7.4 of the Regulations, that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension request for a period of one (1) year.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** the permit extension request for EPB Permit No. 2218 for a period of one (1) year. Accordingly, the permit shall remain in full effect until October 10, 2014.

In Favor: Stone, Levine, and Spaulding.  
Opposed: None  
Abstaining: None  
Not Voting: None

#### **ADJOURN:**

#### **Adjourn the Special Meeting of September 26, 2013.**

There being no more business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Special Meeting of September 26, 2013.

In Favor: Stone, Levine, and Spaulding.

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Opposed: None  
Abstaining: None  
Not Voting: None

Meeting adjourned at 7:44 PM.

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Gary Stone, Chairman  
Environmental Protection Board

Minutes: Prepared from meeting notes taken by Richard H. Talamelli, Environmental Planner